

SESS. II.—1897.
NEW ZEALAND.

PRIVILEGE COMMITTEE

(REPORT OF), TOGETHER WITH MINUTES OF PROCEEDINGS AND EVIDENCE, AND APPENDIX.

Report brought up on the 8th October, 1897, and ordered to be printed.

ORDER OF REFERENCE.

Extract from the Journals of the House of Representatives.

THURSDAY, THE 30TH DAY OF SEPTEMBER, 1897.

Ordered, "As a matter of privilege, that a Select Committee, consisting of eight members, be appointed to consider and report whether, under the existing law, the seat of the Honourable Mr. Ward for the Electoral District of Awarua is vacant; and whether the law should be amended, and in what direction; and what course should be adopted under existing circumstances. The Committee to have power to call for persons and papers, and to report within ten days; such Committee to consist of Mr. Joyce, Mr. Guinness, Mr. Montgomery, Mr. Duncan, Captain Russell, Hon. Mr. Rolleston, Mr. J. Allen, and the mover."—(Rt. Hon. Mr. SEDDON.)

REPORT.

THE Select Committee appointed to consider and report whether under the existing law the seat of the Hon. Mr. Ward for the Electoral District of Awarua is vacant, and whether the law should be amended, and in what direction, and what course should be adopted under existing circumstances, has the honour to report:—

That this Committee unanimously recommends that the question as to whether, under the existing law, the seat of the Hon. Mr. Ward for the Electoral District of Awarua is vacant be referred to a judicial tribunal, and that the said tribunal be the Court of Appeal.

The Committee also recommends that legislation enabling the Court of Appeal to hear and determine the following case be introduced:—

- (1.) The Hon. J. G. Ward filed a petition, and was adjudged a bankrupt on the 8th day of July, 1897.
- (2.) The adjudication has not been annulled, and he has not been granted an order of discharge from his bankruptcy.
- (3.) With the exception of having been adjudged a bankrupt, and not having obtained his discharge, it is presumed that he otherwise possesses the necessary qualifications to be elected a member of the House of Representatives.
- (4.) An election for the Awarua seat took place on the 5th day of August, 1897.
- (5.) The said Hon. J. G. Ward was declared elected, and his name returned on the writ as being so elected.
- (6.) The said Hon. J. G. Ward took his seat in the House of Representatives and the oath on the 28th day of September, 1897.

Upon these facts the opinion of the Court of Appeal is asked whether the Awarua seat is vacant, and, if so, when did it become vacant.

The Committee further recommends that the Government be requested to bring in a Bill to give effect to the recommendations of the Committee.

That the legal expenses in connection with the Awarua election case referred to the Court of Appeal be borne by the colony; also that in any similar cases that may hereafter arise the Crown shall defray the expenses.

That the law of New Zealand be amended and brought into conformity with the law of England with respect to the bankruptcy of candidates or members, and that the Government be requested to bring in a Bill at an early date, but that the present case should not be prejudiced thereby.

That legislation should be introduced enabling the Governor in Council to order that any questions of law or fact be referred to the Judges of the Supreme Court for their decision.

8th October, 1897.

R. J. SEDDON, Chairman.